CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

OCTOBER 5, 2004

CALL TO ORDER
Mayor Lavagnino called the Regular Meeting of the City Council to order at 2:00 p.m.

ROLL CALL
MEMBERS PRESENT
Councilmembers Mariscal, Orach, and Mayor Lavagnino.

Councilmember Trujillo arrived at 2:04 p.m. and Councilmember Patino arrived at 2:30 p.m.

ALSO PRESENT
City Manager Ness, Assistant City Manager Haydon, and Chief Deputy City Clerk Perez.

CLOSED SESSION
The City Council recessed at 2:02 p.m. to a Closed Session for Public Employee Appointment pursuant to Subsection (e) of Government Code Section 54957. Title: City Attorney; Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; and Conference with Labor Negotiator pursuant to Government Code Section 54957.6. Agency representative: Assistant City Manager. Employee organization: Service Employees International Union (SEIU), Local 620.

RECONVENE
Mayor Lavagnino reconvened the meeting at 6:30 p.m. to regular session. All members were present.

STAFF MEMBERS PRESENT:
City Manager Ness, Interim City Attorney Stockton, Assistant City Manager Haydon, Director of Administrative Services Snodgrass, Director of Public Works Karp, Police Chief Macagni, Director of Utilities Chisam, Fire Chief Ortiz, Director of Community Development Lindsey, Director of Recreation and Parks Posada, City Engineer Sweet, Solid Waste/Utilities Engineer Zhao, and Chief Deputy City Clerk Perez.

City Manager Ness reported on the closed session:

Public Employee Appointment – Council conducted interviews for the City Attorney position and directed staff to move to the next step in the hiring process for a new City Attorney.

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report, no action was taken.

Conference with Labor Negotiator – Status report, no action was taken.

INVOCATION
Rev. Gary Hanson of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG
Mayor Lavagnino led the pledge of allegiance.

ANNOUNCEMENTS
Mayor Lavagnino announced that the City had been trying to address and correct technical difficulties that had occurred during the recent live broadcasts of City Council meetings and had purchased new equipment which hopefully would correct the problem. The meetings are rebroadcast on Thursdays at 9:00 a.m., and the rebroadcasts do not have the same problems.

Mayor Lavagnino also announced that the Police Department had created a Santa Maria Police Centennial Badge that was designed by a committee from the department. Members of the department each purchased a centennial badge which would be worn until September 12,

2005, then retired. The badge also won first place for the Western United States in the *COPS West* badge design contest.

RESOLUTION – SMOOTH
Councilmember Mariscal read a resolution commending Santa Maria Organization of Transportation Helpers (SMOOTH) for 28 years of dedicated transit operations and their continuing dedication to providing transportation services for the disadvantaged and elderly.

Resolution No. 2004-184 was adopted on motion by Councilmember Mariscal, second by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Councilmember Mariscal presented the resolution to Cynthia White, SMOOTH Board President.

PROCLAMATION – FIRE PREVENTION WEEK
Councilmember Orach read a proclamation declaring October 3 – 9, 2004 as "Fire Prevention Week" in the City of Santa Maria and promoting the Fire Prevention Week 2004 theme, *"It's Fire Prevention Week: Test Your Smoke Alarms,"* and urged all residents to install and maintain smoke alarms. The proclamation was accepted by Shane Gidlund, Public Information Officer for the Fire Department.

PROCLAMATION – NATIONAL DENTAL HYGIENE MONTH
Councilmember Patino read a proclamation declaring the month of October 2004 as "National Dental Hygiene Month" in the City of Santa Maria and encouraged all residents to recognize dental hygienists for the many valued services they provide. The proclamation was accepted by Amber Rogers.

PROCLAMATION – PEACE WEEK
Councilmember Trujillo read a proclamation declaring the week of October 15 – 23, 2004 as "Peace Week" in the Santa Maria Valley and encouraged members of the public to participate in the "Peace Week" events and to help make the community more peaceful. The proclamation was accepted by Denise Cora.

CONSENT CALENDAR
Councilmember Mariscal commented on Item 2J, the Hwy 101/Betteravia and Main Street Beautification Project. This project will be funded with Measure D funds. Measure D is the half-cent sales tax measure approved by the voters several years ago for road improvements throughout the County. At the recent Santa Barbara County Association of Governments (SBCAG) meeting, they discussed how to inform the voters of the benefits of these funds which are due to expire in 2010 unless extended. Santa Maria has benefited tremendously from Measure D funds.

Consent Calendar Items A through N were accepted and approved with the indicated action on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of September 21, 2004, were approved as submitted.

C. WARRANTS
Warrant Nos. 115328 to 115658 the amount of $1,219,027.01 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 113269, 114860, 115259, and 113684 were canceled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

E. SURPLUS FIRE ENGINE
Resolution No. 2004-185 was adopted approving the transfer of a surplus fire engine, a 1977 Van Pelt Pumper, from the Fire Department to Allan Hancock College for use in the Fire Academy Training Program.

Resolution No. 2004-185 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TRANSFER OF A SURPLUS FIRE ENGINE TO ALLAN HANCOCK COLLEGE.

F. CALL FOR BIDS
Approval was granted to call for bids on the plans and specifications for Landfill Rolling Closure, Phase III, Bid No. 2005/08.

G. CALL FOR BIDS
Approval was granted to call for bids on the plans and specifications for Landfill Scale House, Bid No. 2005/09.

H. NOTICE OF COMPLETION
Approval was given to file the Notice of Contract Completion for Landfill Storage Maintenance Building Remodel, Bid No. 2004/10.

I. AWARD OF BID
Resolution No. 2004-186 was adopted approving an agreement with A. J. Diani Construction Co., Inc. for the budgeted public works project, Santa Maria Valley Railroad Multi-Purpose Trail – Phase 1B, Bid No. 2005/05.

Resolution No. 2004-186 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH A. J. DIANI CONSTRUCTION CO., INC. FOR SANTA MARIA VALLEY RAILROAD MULTI-PURPOSE TRAIL – PHASE 1B, BID NO. 2005/05.

J. AWARD OF BID
Resolution No. 2004-187 was adopted approving an agreement with Spiess Construction Co., Inc. for the budgeted public works project, Hwy 101/Betteravia Road & Main Street Beautification, Bid No. 2005/02.

Resolution No. 2004-187 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH SPIESS CONSTRUCTION CO., INC. FOR HWY 101/BETTERAVIA ROAD & MAIN STREET BEAUTIFICATION, BID NO. 2005/02.

K. NO STOPPING ZONE
Resolution No. 2004-188 was adopted approving the establishment of a no stopping zone on Concord Avenue along the easterly right-of-way, beginning 18 feet south of the southerly right-of-way of Garnet Way, then commencing south for 20 feet.

Resolution No. 2004-188 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NO STOPPING ZONE ON CONCORD AVENUE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

L. TWO-HOUR PARKING ZONE
Resolution No. 2004-189 was adopted approving the establishment of a two-hour parking zone on Dal Porto Lane along the northerly right-of-way, beginning 25 feet west of the westerly right-of-way of Thornburg Street, then commencing west for 149 feet.

Resolution No. 2004-190 was adopted approving the establishment of a no stopping zone on Thornburg Street along the westerly right-of-way, beginning 18 feet south of the southerly right-of-way of Dal Porto, then commencing south for 20 feet.

Resolution No. 2004-189 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A TWO-HOUR PARKING ZONE ON DAL PORTO LANE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

Resolution No. 2004-190 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE ESTABLISHMENT OF A NO STOPPING ZONE ON THORNBURG STREET PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

M. TWO-HOUR PARKING ZONES

Resolution No. 2004-191 was adopted approving the establishment of two-hour parking zones on Western Avenue along the western and eastern right-of-way beginning 2 feet north of the northerly right-of-way of Main Street then commencing north for 109 and 143 feet respectively.

Resolution No. 2004-192 was adopted approving a no stopping zone on Western Avenue along the eastern right-of-way, beginning 172 feet north of the northerly right-of-way of Main Street, then commencing north for 143 feet.

Resolution No. 2004-191 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING TWO-HOUR PARKING ZONES ON WESTERN AVENUE PURSUANT TO SECTION 7-5.14 OF THE SANTA MARIA MUNICIPAL CODE.

Resolution No. 2004-192 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE ESTABLISHMENT OF A NO STOPPING ZONE ON WESTERN AVENUE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

N. THREE-WAY STOP

Resolution No. 2004-193 was adopted approving the establishment of a three-way stop at the intersection of Stowell Road and Western Avenue.

Resolution No. 2004-193 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A THREE-WAY STOP AT STOWELL ROAD AND WESTERN AVENUE PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

Prior to Public Comment, Mayor Lavagnino asked Interim City Attorney Stockton to report on SB 96, a recent bill signed by the Governor.

Interim City Attorney Stockton reported that SB 96 was signed by the Governor on September 24th. SB 96 is designed to close a loophole in existing law that requires cities with over 10,000 water users to fluoridate the water. The bill states "it is the intent of the Legislature in enacting this article to preempt local government regulations, ordinances, and initiatives that prohibit or restrict the fluoridation of drinking water by public water systems with 10,000 or more service connections."

PUBLIC COMMENT

Bob Ziener distributed an article to the City Council and spoke on the need to make the Santa Maria Public Airport a vibrant, community airport.

Salvador Gascon distributed a pamphlet regarding fluoridation and spoke in favor of Measure W.

Terry McConnell spoke against fluoridation of City water.

William Wagener spoke against fluoridation.

Ernest Armenta spoke regarding several of the propositions on the upcoming November 2, 2004, election.

James Watson spoke against fluoridation.

Joe Furcinite spoke against fluoridation.

Hector Gonzales spoke in favor of fluoridation and against Measure W.

ROTARY - CENTENNIAL PARK

Director of Recreation and Parks Posada gave the staff report. The 16-acre site was dedicated to the City as part of the Bradley Square Development. This is the first of four phases in the development of Rotary – Centennial Park. This first phase is a collaborative effort between the City and the Santa Maria Chapters of Rotary International. The City project consists of rough grading and a drainage system for approximately 12 acres, concrete walks and curbing, an asphalt parking lot, as well as landscaping and irrigation of approximately 2 acres. Structures and equipment for the Phase 1 improvements are anticipated to be provided by Rotary. Additionally, Bradley Square Partners plans to construct a gazebo as a gift to the community. The request before the Council is to authorize the City to call for bids for the project.

On motion by Councilmember Orach, second by Councilmember Trujillo, and carried unanimously, authorization was granted to call for bids on the plans and specifications for Rotary – Centennial Park, Bid No. 2005/06.

SPEED LIMITS

Director of Public Works Karp gave the staff report. In order to utilize radar as an enforcement method for speed limits on roadway segments, the City is required by the California Vehicle Code to identify the prevailing speeds and post speed limits consistent with the prevailing speed. Studies establishing the prevailing speeds must be performed every five years. The segments identified fall into three categories: 1) they need to be studied to meet the five-year requirement; 2) they are roadway sections that have not been studied before; and 3) they are presented pursuant to changes to the 2001 California Vehicle Code allow local authorities to consider specific factors when establishing speed limits. Overall, 28 speed surveys were conducted on different roadway segments throughout the City. Updated speed surveys meeting the five-year requirements were completed for 27 roadway segments whose speed surveys will expire in January 2005. Eight of the 27 roadway segments are recommended to have lower speed limits. One roadway segment had no current survey. The speed limit is established at the 85-percentile speed (critical speed) or within the first five-mile per hour increment below the 85-percentile speed. The Vehicle Code states an engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of prevailing speeds as determined by traffic engineering measurements, accident reports, and highway, traffic, and roadside conditions not readily apparent to the driver. The Traffic Committee reviewed the surveys and recommended the speed limits be adopted so that the Police Department will be able to continue radar speed enforcement after January 2005.

The proposed ordinance would establish new speed limits at the following locations: 1) Blosser Road between Donovan Road and Stowell Road - 40 miles per hour; 2) Blosser Road between Stowell Road and Betteravia Road - 50 miles per hour; 3) Boone Street between Miller Street and College Drive - 35 miles per hour; 4) College Drive between McCoy Lane and Sunrise Drive - 40 miles per hour; 5) Depot Street between Fesler Street and Stowell Road - 30 miles per hour; 6) Industrial Parkway between Fairway Avenue and Skyway Drive - 40 miles per hour; 7) West Stowell Road between Hanson Way and Blosser Road - 40 miles per hour; 8) West Stowell Road between Blosser Road and Depot Street - 40 miles per hour; and 9) Stowell Road between Miller Street and Bradley Road - 35 miles per hour.

Ernest Armenta spoke regarding the speed limits on Blosser Road and indicated he thought the speed limit between Stowell Road and Betteravia Road should be 40 miles per hour, not 50 miles per hour.

Ordinance No. 2004-15 was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, second by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2004-15 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 7-4, SPEED LIMITS, OF THE SANTA MARIA MUNICIPAL CODE.

REPORT BY CITY MANAGER
City Manager Ness had no report.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS
Councilmember Patino commented on the Grapes and Grains Festival and said it was the best one yet.

Councilmember Mariscal reported on the SBCAG meeting and the need to keep the Measure D half-cent sales tax.

Councilmember Orach commended the Public Works Department for the street chip sealing project and said the project was running very smoothly this year.

Councilmember Trujillo commented that before staff makes a recommendation to the City Council on a subject, they study it and research it. Staff's recommendations are well thought out and documented. He commended staff for its thoroughness.

Mayor Lavagnino commented on the outbursts during the meeting by Ernest Armenta and indicated yelling and screaming during a Council meeting was abominable. He requested a meeting with the City Manager and Police Chief to discuss the issue.

CLOSED SESSION
An additional closed session was not needed.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 7:40 p.m. by order of Mayor Lavagnino.

APPROVED October 19, 2004
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST
Chief Deputy City Clerk

Mayor of the City of Santa Maria